

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 160

Short Title: No Sadistic Videos to Minors.

(Public)

Sponsors: Representatives Hurley; Balmer, Bowman, Culp, Justus, McAllister, Morgan, Privette, Russell, Warner, and Wilson.

Referred to: Judiciary I.

February 25, 1991

1 A BILL TO BE ENTITLED
2 AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION TO
3 PROHIBIT THE COMMERCIAL DISSEMINATION OF SADISTIC VIDEOS TO
4 MINORS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 26 of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 14-190.21. Commercially disseminating sadistic video movies harmful to**
9 **minors.**

10 (a) Offense. – A person commits the offense of commercially disseminating a
11 sadistic video movie harmful to minors if, knowing the character or content of the video
12 movie, he sells, rents, or otherwise distributes for consideration a sadistic video movie
13 harmful to a minor.

14 (b) Definitions. – The following definitions apply to this section:

15 (1) Minor. A minor is a person who is less than 18 years old.

16 (2) Sadistic Video Movie Harmful to Minors. A sadistic video movie
17 harmful to minors is one which contains depictions of sadistic violence
18 and which:

19 a. A reasonable adult applying contemporary community
20 standards would find that when viewed as a whole the video
21 movie has a predominant tendency to appeal to a morbid
22 interest of minors in violence;

1 b. A reasonable adult applying contemporary community
2 standards would find that the depiction of sadistic violence in
3 the video movie is patently offensive to prevailing standards in
4 the adult community concerning what is suitable for minors;
5 and

6 c. A reasonable adult would find that when viewed as a whole the
7 video movie lacks serious literary, artistic, political, or scientific
8 value for minors.

9 (3) Sadistic Violence. Sadistic violence is the killing, torturing, or
10 maiming of a person for the pleasure that the act brings to the
11 participants.

12 (c) Defense. – Except as provided in subdivision (2) of this subsection, a mistake
13 of age is not a defense to a prosecution under this section. It is an affirmative defense to
14 a prosecution under this section that:

15 (1) The defendant was a parent or legal guardian of the minor.

16 (2) Before disseminating the video movie, the defendant requested and
17 received a drivers license, student identification card, or other form of
18 identification indicating that the minor to whom the video movie was
19 disseminated was at least 18 years old, and the defendant reasonably
20 believed the minor was at least 18 years old.

21 (3) The dissemination was made with the prior consent of a parent or
22 guardian of the recipient.

23 (d) A violation of subsection (a) is a misdemeanor and is punishable by
24 imprisonment for up to six months and a fine of at least five hundred dollars (\$500.00)."

25 Sec. 2. The provisions of this act are severable, and if any provision of this
26 act is held invalid by a court of competent jurisdiction, the invalidity shall not affect
27 other provisions of the act which can be given effect without the invalid provision.

28 Sec. 3. This act becomes effective October 1, 1991, and shall apply to
29 offenses occurring on or after that date.